35 U.S.C. §102 Rejection

The final Office Action maintained the rejection of claims 1-48 under 35 U.S.C. §102(a), as allegedly anticipated by Hogan et al. (U.S. Patent No. 5,778,368). Applicants respectfully, but most strenuously, traverse this rejection.

Hogan et al. discloses a repository system for embedded software (i.e., software found in such things as computer electronics and automobiles) that allows for search and reuse thereof by engineers.

In contrast, claim 1 recites a method of performing a database search on a distributed computer system. The method comprises requesting from a first computer to a second computer remote from the first computer in the distributed computer system to search information of at least one entity, indicating from the first computer to a search agent associated with the second computer at least one search criterion for the information of the at least one entity, and accessing by the search agent at least one database remote from the first computer and the second computer in the distributed computer system. The at least one database comprises information of a plurality of entities including the at least one entity, and the at least one entity comprises less than all of the plurality of entities. The method further comprises performing by the search agent a search based on the at least one search criterion on only the information of the at least one entity in the at least one database.

Against the requesting step of claim 1, the final Office Action cited to column 9, lines 14-36 of Hogan et al., which discloses a repository client accessing a repository server which, in turn, searches for repository units (small pieces of information regarding embedded software) in a repository database that matches attribute criterion supplied.

What is unclear from the final Office Action is what component of Hogan et al. is alleged to read on the at least one entity of claim 1. The only possibilities appear to be the repository unit, the repository database, or the repository server. Under any of these scenarios, Hogan et al. fails to disclose at least one element of claim 1.

If the Hogan et al. repository unit is alleged to read on the at least one entity of claim 1, then, for example, the performing step of claim 1 is not disclosed. Hogan et al. searches the repository database for one or more repository units satisfying the search criteria; Hogan

et al. does not limit the search to a given repository unit for information within that unit. In contrast, the performing step of claim 1 recites searching only the information of the at least one entity in the at least one database. To help visualize this, the Examiner is directed to FIG. 1 and the description thereof at page 4 of the application. The at least one database of claim 1 can be thought of as multiple discrete collections of information, and a search is done on only the information for the at least one entity, i.e., on one of the discrete collections. Thus, the repository unit cannot read on the claimed at least one entity.

If the Hogan et al. repository database is alleged to read on the at least one entity of claim 1, then, for example, the accessing step of claim 1 is not disclosed. The accessing step makes clear that the claimed at least one database comprises information of a plurality of entities including the at least one entity. Thus, a given Hogan et al. repository database would have to comprise multiple discrete databases to be applicable, which is not the case. Therefore, the repository database cannot read on the claimed at least one entity.

Finally, if the Hogan et al. repository server is alleged to read on the at least one entity of claim 1, then, for example, the accessing step of claim 1 is not disclosed. The requesting step makes clear that the search is a search of information of the at least one entity, yet Hogan et al. discloses that the repository servers are not the focus of the search; rather the repository database is. Thus, in order for this scenario to make any sense, the repository server would have to house the repository database in order to have information of interest for searching. If that is the case, then Hogan et al. cannot read on the accessing step, since that step recites that the database is remote from the first and second computers. Further, the accessing step makes clear that the claimed at least one database comprises information of a plurality of entities including the at least one entity. Thus, a given Hogan et al. repository database would have to comprise multiple discrete databases to be applicable, which is not the case. Therefore, the repository server cannot read on the claimed at least one entity.

Moreover, it is unclear from Hogan et al. whether the repository server actually houses the repository database. The only section of Hogan et al. Applicants could find arguably addressing the issue is column 8, lines 11-14, which seems to indicate that the repository server does house the repository database. Assuming that to be the case, then

Hogan et al. cannot read on at least the accessing step of claim 1 for an additional reason; that is, the at least one database is recited as remote from the first and second computer.

Therefore, Applicants submit that claim 1 cannot be anticipated by or made obvious over Hogan et al.

The other independent claims, i.e., claims 17, 34, 47 and 48, include limitations similar to those indicated above with respect to claim 1. Therefore, the remarks made above with respect to claim 1 are equally applicable thereto.

Claim 4 recites that a search agent is transferred from the second computer to the first computer and runs at the first computer, and that a communication agent resides at the first computer. The communication agent performs the requesting and the indicating, while the search agent provides the results of the search to the communication agent. As disclosed in the present application at page 5, lines 7-14, one example of the transfer of a search agent takes the form of a JAVA™ applet.

In the remarks at page 6, the final Office Action alleges that a search via the Internet satisfies the search agent transfer limitation of claim 4. Applicants respectfully disagree. In a garden-variety Internet search, a form is provided to the user in order to indicate the search parameters to the search agent. However, the search agent itself resides and executes on the server. Similarly, the Hogan et al. search agent resides on the server (see column 11, line 24 of Hogan et al.). The section of Hogan et al. cited in the final Office Action has no disclosure regarding a transfer of the search agent from the server to the client.

With regard to claim 12, the final Office Action alleges in the remarks at page 7 that it is common to have a consistent Web site experience on a particular Web site. However, what is intended with claim 12 is something quite different. In one easy example, it refers to visiting a particular company's Web site by a user of the first computer and searching items offered on that site, however, the search is actually being performed at a third party site while seamless to the user. See page 9, lines 19-24 of the present application.

Finally, with regard to claim 16, the final Office Action treats the claimed 'null criterion' as an invalid criterion or insignificant criterion. However, that is not the intended meaning for 'null criterion.' Moreover, Applicants submit that is not the commonly

understood meaning thereof. The 'null criterion' is simply the empty set, which returns all results. See the present application at page 8, lines 8-10.
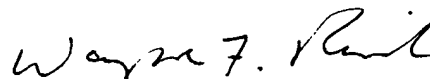
CONCLUSION

Applicants submit that the dependent claims are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

Applicants acknowledge the references cited in the final Office Action, but not substantively applied. However, Applicants submit that the pending claims are patentable thereover as well.

For all the above reasons, Applicants maintain that the claims of the subject application define patentable subject matter and earnestly request allowance of claims 1-48.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

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